DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Admi
Atlanta District Office
d1528 b HFT-35

60 8th Street, N.E.
Atlanta, Georgia 3030

November 8, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hugh Cox
762 Boone Ford Road, SE
Calhoun, Georgia 30701

WARNING LETTER

Dear Mr. Cox:

An inspection of your operation located in Calhoun, Georgia, by our investigator on May 24, 1996, confirmed a cow purchased and sold by you on or about February 22, 1996, for slaughter for human food to [redacted] was in violation of Section 402(a)(2)(D) of the Federal Food, Drug, and Cosmetic Act.

USDA/FSIS analysis of tissues collected from that animal disclosed the presence of tetracycline and sulfamethazine. Tetracycline was found in the liver at .49 ppm and in the kidney at 1.34 ppm. Sulfamethazine was found in the liver at .74 ppm and in the muscle at .62 ppm. A tolerance level of 0 ppm has been established for residues of tetracycline and .10 for residues of sulfamethazine in the edible tissues of cows, Title 21, Code of Federal Regulations, Sections 556.720 and 556.670. The presence of these drugs in edible tissue from this animal causes the food to be adulterated.

Our investigation revealed that when you purchase cattle from auctions you do not obtain written or verbal assurance from the cattle producer as to whether or not the animal has been medicated, and that the animal is free from drug residues.

You should take prompt action to correct the above violations and to establish procedures whereby such violations do not recur. Failure to do so may result in regulatory action without further notice such as seizure and/or injunction.

The violations listed above are not intended to be an all inclusive list. It is your responsibility to assure that your operation is in compliance with the law. As a dealer of animals, you are frequently the individual who introduces or offers for introduction into interstate commerce, the adulterated animal. As such, you share the responsibility for violating the Federal Food, Drug

and Cosmetic Act. To avoid future illegal residue violations you should take precautions such as:

1. implementing a system to identify the animals you purchase with records to establish traceability to the source of the animal;

2. implementing a system to determine from the source of the animal whether the animal has been medicated and with what drug(s); and

3. if the animal has been medicated, implementing a system to withhold the animal from slaughter for an appropriate period of time to deplete potentially hazardous residues of drugs from edible tissue. If you do not want to hold the medicated animal then it should not be offered for human food, and it should be clearly identified and sold as a medicated animal.

You should be aware that it is not necessary for you to have personally shipped an animal in interstate commerce to be responsible for a violation of the Act. The fact that you offered an animal for sale to a slaughterhouse that ships in interstate commerce is sufficient to hold you responsible for a violation of the Act.

This letter was delayed because further investigations were necessary. You should notify this office in writing by December 3, 1996 of the steps you have taken to bring your firm into compliance with the law. Your response should include each step being taken, that has been taken, or will be taken to correct these violations and prevent their recurrence. If corrective action cannot be completed by December 3, 1996, state the reason for the delay and the time frame within which the corrections will be completed. Please include copies of any available documentation demonstrating that corrections have been made.

Your reply should be directed to the address in the letterhead, attention Barbara A. Wood, Compliance Officer.

Sincerely yours,

Ballard H. Graham, Director
Atlanta District